

MUTUAL RELEASE AND SETTLEMENT AGREEMENT

I. PARTIES:

- A. Dr. Joseph Downey Wade (hereinafter referred to as Dr. Wade)
- B. University of Oregon and John Moseley (hereinafter collectively referred to as "University")

II. RECITALS

A. Dr. Wade was employed by the University of Oregon for over 28 years. The majority of that time Dr. Wade served with dedication as the Director of Academic Advising.

B. Dr. Wade voiced concerns regarding the University's commitment to achieving ethnic and racial diversity in the University workforce, particularly with respect to Officers of Administration and other employees at the highest administrative and executive levels.

C. Dr. Wade filed claims against the University alleging that the University engaged in a pattern and practice of race discrimination, that he was a victim of race discrimination, and that he was retaliated against in the terms and conditions of his employment because of his claims of unlawful discrimination. Complaints were filed in Federal District Court of Oregon, Case No. 01-6178-HO; and in Lane County Circuit Court for the State of Oregon, Case No. 16-01-10914. The University denies these charges.

D. The University is committed to achieving ethnic and racial diversity in its workforce, including employment of minorities as Officers of Administration and in other positions at the highest administrative and executive levels.

E. The Parties have determined that it is in their mutual best interests to resolve all disputes between them and for the University to take additional steps to demonstrate that it is committed to issues concerning ethnic and racial diversity in its community and to assure that its policies and practices, including those related to employment, are designed to best serve these goals.

III. AGREEMENT

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES OF THE PARTIES, THE PARTIES AGREE AS FOLLOWS:

A. UNIVERSITY AGREES

1. Create Administrative Position of Vice Provost for Institutional Diversity or Similar Title

a. The University shall create the position of Vice Provost for Institutional Diversity or similar title for a minimum of five (5) years, subject to standard resource review. This position shall be vested with the responsibility for University-wide diversity matters and concerns regarding faculty, students and staff. The purpose of the position is to further the goal of equal opportunity and participation for ethnic and racial minorities in the campus community.

including employment at the administrative and executive levels. Specifically, the position shall be charged with the following responsibilities:

- (1) Work collaboratively with University officials, including those at the policy-making level, to improve the workplace experiences of ethnic and racial minority employees.
  - (2) Develop and implement a communications plan to respond to the various "Diversity Reports" already written and submitted by different students and faculty groups over the past several years and also develop and implement a diversity plan.
  - (3) Act as a consultant on multicultural concerns and coordinate and oversee the various committees, task forces and groups focusing on diversity.
  - (4) Initiate and assist in University-wide projects and programs aimed at increasing the pool of qualified ethnic and racial minority scholars preparing to enter the professorate and to enter and to seek promotion into administration at all levels, requiring collaboration with the Office of Affirmative Action and Equal Opportunity.
  - (5) Act as the President's liaison in campus and community for diversity-related matters with the authority and responsibility to promote the advancement of multicultural and diversity-related issues on campus.
  - (6) Serve as a resource and support person for affirmative action and human resources operations to help insure that the University is an equal opportunity employer.
- b. The administrator in this position shall have access to information regarding diversity issues.
- c. The position shall be a member of the Council of Deans.
- d. In filling the position, all University affirmative action principles and procedures shall be adhered to and the University shall make vigorous efforts to recruit and hire a qualified person of color or someone who has clearly demonstrated sensitivity to and accomplishments in issues of diversity, including race.
- e. University officials shall begin a candidate search process by May 15, 2002. A good faith effort will be made to hire a candidate as soon as possible. In any event, the successful candidate shall begin work in this position no later than July 1, 2003.
- f. The successful candidate shall be given a one-year contract and will be eligible for subsequent two-year contracts on the same basis as other employees in similar positions. The individual holding the position will be evaluated as other employees in similar positions consistent with University Administrative Rules. As part of the five-year evaluation, University officials will provide an opportunity for comments from University teaching and administrative ethnic and racial minority employees.

g. The position shall pay a competitive salary commensurate with the successful candidate's expertise and experience and that is consistent with UO comparator salaries on a national and internal basis.

h. The University President shall use the announcement of this position to publicly affirm that the administration values diversity and is sensitive to and recognizes that issues of race are a concern to the University community and are a priority of the administration.

## 2. Hire of Vice President for Student Affairs

The University intends to fill the position of Vice President for Student Affairs on a permanent basis. However, due to the current budget situation, it is unclear if the University will be able to fulfill its intention. When, and if, the University fills the position of Vice President for Student Affairs on a permanent basis, all University affirmative action principles and procedures shall be adhered to and the University shall make vigorous efforts to recruit and hire a qualified person of color, or someone who has clearly demonstrated sensitivity to and accomplishments in issues of diversity. If the University fills the position on a permanent basis within the period of the Court's jurisdiction of the Agreement, the Vice President for Student Affairs shall report directly to the Senior Vice President and Provost.

## 3. Implementation of Exit Review

The University shall develop and initiate a systematic exit interview protocol for all faculty and staff leaving the University, in order to ascertain the basis for their departure. These exit interviews will be made available to the Director of Affirmative Action for his review. This shall be implemented by August 31, 2002. The results of these interviews will be made available to the Vice Provost for Institutional Diversity.

## 4. Search for New Director of Affirmative Action

The current Director of Affirmative Action has resigned. In filling this position, all University affirmative action principles and procedures shall be adhered to and the University shall make vigorous efforts to recruit and hire the most qualified applicant who has clearly demonstrated sensitivity to and accomplishments in issues of diversity.

## 5. Annual Report on Number of Faculty and Staff of Color and Women

The University shall make available a report containing its workforce data, including data regarding ethnicity and gender for the current and past year.

## 7. Retirement

a. The University agrees to rescind the non-renewal of Dr. Wade's contract to allow Dr. Wade to retire effective June 30, 2001, and to provide Dr. Wade with all the benefits and privileges available to a retired administrator at the University of Oregon with 28 years of service.

b. The University agrees to grant Dr. Wade the status of Administrator Emeritus.

### B. NO ADMISSION OF LIABILITY

It is understood and acknowledged by Dr. Wade that this Mutual Release and Settlement Agreement is intended to settle and compromise disputed claims between Joseph Wade, John Moseley, and the State of Oregon, University of Oregon (and its officers, employees and agents); that this Mutual Release and Settlement Agreement does not constitute an admission of any legal liability and/or fault; and that payment is being made by or on behalf of Moseley and the University of Oregon solely to avoid the future and/or further incurring of defense costs.

### C. RELEASE OF ALL CLAIMS

The undersigned Parties, being of lawful age and not less than 21 years, do hereby forever release, acquit and discharge each other, and their respective officers, employees, agents (and their spouses, family members, successors and assigns) and any and all other persons, firms, corporations or entities, from any and all rights of action, claims or demands whatsoever arising or accruing against each other prior to the effective date of this Settlement Agreement including, but not limited to, rights of action, claims or demands for any and all injury to mind, body, property, reputation, economic loss, earning capacity, legally recoverable attorney fees, and legally recoverable costs and/or disbursements, whether now known or not or which may hereafter develop, whether or not stated by any pleading in the above-referenced civil action. The Parties recognize and hereby acknowledge that their respective present belief and information as to the nature and extent of any of their respective legal rights, claims, demands, actions or causes of action may prove to be mistaken or incomplete, but each of the Parties are willing to give up all possibility of any further payment or any further recovery or relief from; by, or against any of the Parties and/or person(s) mentioned, named or released by or in this Mutual Release and Settlement Agreement, in return for the settlement being made now. The

sole exception to this release of all claims is that the State of Oregon does not release Dr. Wade from any claims arising from statutes or laws relating to taxation.

**D. DISMISSAL OF ALL CLAIMS**

Dr. Wade agrees to dismiss all claims filed in state or federal court with prejudice and without costs and fees to any Party.

**E. RESPONSIBILITY FOR TAX LIABILITY**

Dr. Wade agrees to pay all taxes which may be owing by him, if any, on the amounts paid pursuant to this Settlement Agreement.

**F. SEVERABILITY**

If any provisions of this Settlement Agreement is judicially determined to be unenforceable, the remaining provisions shall nevertheless be enforceable and shall be construed as if the unenforceable provisions were deleted.

**G. WAIVER**

No Party to this Settlement Agreement shall be deemed to have waived any rights hereunder unless such waiver shall be in writing and signed by the Party or the Party's representative. No delay or omission on the part of any Party in exercising any right shall operate as a waiver of such right or any other right. A waiver by any Party of a breach of a provision of this Settlement Agreement shall not constitute a waiver of or prejudice the Party's right otherwise to demand strict compliance with that provision or any other provision of this Settlement Agreement.

**H. LAW OF AGREEMENT**

This Settlement Agreement shall be interpreted under and enforced in accordance with the laws of the State of Oregon applicable to contracts made and to be performed entirely within such state.

**I. INTEGRATION**

The terms of this Settlement Agreement are contractual and not merely recitals. This Settlement Agreement contains the entire agreement of the Parties hereto. All signatories to this Agreement acknowledge that there were no other understandings, promises, covenants, agreements, or representations made to any Party concerning the subject matter of this Settlement Agreement other than those terms or conditions set forth herein above or herein below.

J. CONTINUING JURISDICTION

The Parties acknowledge that the University is committed to improvement which envisions progressive change within its administration. This agreement is to be consistent with the flexible development of programs necessary to meet the mission of the University. To facilitate this process, as well as give assurances to Dr. Wade, the Federal District Court shall retain jurisdiction over this matter, not to exceed six years from the date of the execution of this Agreement. If, prior to six years, the Court becomes satisfied that the objectives of this Agreement have been attained, then the Court may, at its discretion, terminate jurisdiction.

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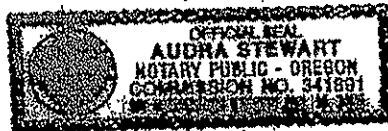
The undersigned Parties have each carefully read and understand this Settlement Agreement, have consulted whatever legal counsel each of said Parties may feel or have been advised to be necessary, and sign this Settlement Agreement freely and without reservation.

CAUTION! READ BEFORE SIGNING!

  
JOSEPH DOWNEY WADE

STATE OF OREGON                    )  
County of Lane                    ) ss.

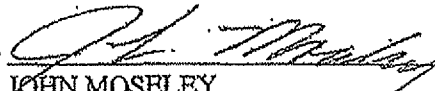
SUBSCRIBED AND SWORN to before me this 3rd day of June, 2002.



  
Notary Public for Oregon  
My Commission Expires: 1/10/05

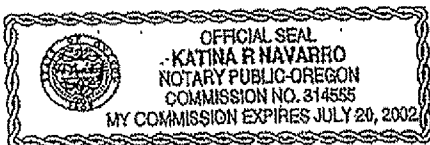
\*\*Additional Signatures to Follow on Next Page\*\*

Page 7

  
JOHN MOSELEY

STATE OF OREGON            )  
                                      ) ss.  
County of Lane            )

SUBSCRIBED AND SWORN to before me this 31<sup>st</sup> day of May, 2002.



  
Notary Public for Oregon  
My Commission Expires: 7.20.02

\_\_\_\_\_  
UNIVERSITY OF OREGON

STATE OF OREGON            )  
                                      ) ss.  
County of \_\_\_\_\_        )

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of May, 2002.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

Approved for Legal Sufficiency:

**Penny Daugherty**

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**From:** Penny Daugherty [pdaugherty@aaeo.uoregon.edu]  
**Sent:** Tuesday, November 25, 2003 5:20 PM  
**To:** John Moseley  
**Subject:** FW: Extension of A. Leavitt's Interim Appointment

-----Original Message-----

**From:** Penny Daugherty [mailto:pdaugherty@aaeo.uoregon.edu]  
**Sent:** Tuesday, November 04, 2003 11:41 AM  
**To:** 'John Moseley'  
**Subject:** Extension of A. Leavitt's Interim Appointment

John:

Regarding your inquiry about extending the interim appointment of Anne Leavitt, I have pulled our file from her initial interim appointment. My understanding of the reasons for requesting the interim appointment and a two year extension of that appointment are as follows:

**Initial Appointment** - an extensive and good faith search conducted in 2001-02 with the assistance of an executive search firm failed to identify any adequately qualified candidates; while Anne had chosen not to apply for the position, it was determined that she held qualifications that exceeded those of candidates identified through the search process; she was selected on the basis of those qualifications to serve on an interim basis for two years until a new national search could be conducted.

**Extended Appointment** - Anne's performance as Vice President for Student Affairs has been outstanding; she is willing to serve for an additional two year appointment, at which time she intends to retire; despite her qualifications and outstanding performance, she would be unwilling to apply if a national search were conducted at this time because she feels the university would be better served through a full search process to employ someone willing to serve for longer than two years; there is strong institutional interest in retaining her in the position for the additional two years she is willing to serve in order to maintain continuity of the strong work she has begun.

As we discussed, there may be other compelling reasons to extend her appointment such as the current financial constraints that may make attracting a top candidate at this time difficult.

As noted above, it is my understanding that the proposal for which you are requesting my opinion is to extend Anne's interim appointment for an additional two years, at which time she has indicated her intent to retire, and to conduct a competitive national search in a timely fashion in order to identify a candidate to succeed Anne as of July 1, 2006.

Based on the above, I am satisfied that neither the initial appointment nor the requested extension of that appointment constitute an effort to by-pass regular search procedures, and there are compelling reasons both for the initial appointment and the two-year extension of that appointment. So that the record is clear as to the initial search and the intent to conduct a national search to identify a successor when Anne steps down in June 2006, and as to the compelling reasons for extending the interim appointment for an additional two years, I ask that you confirm my understanding as noted above with appropriate corrections or additions, or that you submit separate supporting documentation.

Thank you for seeking my input in connection with this proposed extension.

Penny

Penelope Daugherty  
Director



**Penny Daugherty**

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**From:** Penny Daugherty [pdaugherty@aaeo.uoregon.edu]  
**Sent:** Tuesday, January 06, 2004 8:16 AM  
**To:** John Moseley  
**Subject:** RE: Notice of Intent to Extend Appointment

John:

Just a follow up on posting the notice of intent to extend appointment for Anne Leavitt. Would you like me to arrange to get the notice posted this week, with a two week comment period? If so, is the language suggested below satisfactory?

Also, I haven't yet seen the appointment paperwork for Greg Vincent. I assume that is in process and should arrive shortly. Let me know if there is anything I can do to assist with that.

I hope you and your family enjoyed a wonderful holiday. Welcome to an icy start to 2004.

Penny

-----Original Message-----

**From:** John Moseley [mailto:jtm@uoregon.edu]  
**Sent:** Friday, December 12, 2003 10:00 AM  
**To:** Penelope Daugherty  
**Cc:** Lorraine Davis  
**Subject:** RE: Notice of Intent to Extend Appointment

Thanks, Penny. I think we will post this right after the first of the year. Since we are obviously not searching, we need to be able to answer any questions about our intention with this position. Assuming nothing comes up due to the posting, we can make it clear that Anne will continue for two more years by the end of January. This also protects her from any perception of "lame duck" status.

John

-----Original Message-----

**From:** Penelope Daugherty  
**Sent:** Thursday, December 11, 2003 4:53 PM  
**To:** John Moseley  
**Subject:** Notice of Intent to Extend Appointment

John:

I would suggest the following language for the Notice of Intent to be posted on the HR Jobs page regarding the extended appointment of Anne Leaville as Vice President for Student Affairs.

The Office of the Provost wishes to announce its intent to extend the appointment of Dr. Anne Leaville as Vice President for Student Affairs through June 30, 2006. The University intends to conduct a national search during 2005-06 to identify and hire someone to replace Dr. Leaville at the end of her extended appointment. Any UO employee who wishes to comment regarding this extended appointment can send comments to Provost and Sr. Vice President John Mosely at [provost@oregon.uoregon.edu](mailto:provost@oregon.uoregon.edu) [or would you prefer [jtm@uoregon.edu](mailto:jtm@uoregon.edu)?]. Comments must be submitted by [date two weeks from posting].

7/28/2008

Exhibit B, Page 2 of 2

Wade v. State, 01-6178-HO

WAD- 005

Def's Rept on Affirmative Action Comp

**Kathy Cannon**

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**From:** Penny Daugherty [pdaugherty@aaeo.uoregon.edu]  
**Sent:** Wednesday, June 22, 2005 11:45 AM  
**To:** 'Kathy Cannon'  
**Cc:** 'John Moseley'; 'Beth Sprague'  
**Subject:** FW: Administrative Changes

Kathy:

Please post the two notices contained in my email to Sr. Vice President Moseley on the HR Jobs page. Thanks.

Penny

-----Original Message-----

**From:** John Moseley [mailto:jtm@uoregon.edu]  
**Sent:** Wednesday, June 22, 2005 10:43 AM  
**To:** Penelope Daugherty  
**Cc:** Beth Sprague  
**Subject:** RE: Administrative Changes

Thank you, Penny. Beth, would you please see that these are listed on the HR jobs page. Thanks. John

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**From:** Penny Daugherty [mailto:pdaugherty@aaeo.uoregon.edu]  
**Sent:** Tuesday, June 21, 2005 5:52 PM  
**To:** John Moseley  
**Cc:** Beth Sprague  
**Subject:** Administrative Changes

John:

Beth has notified me of the interim arrangements you intend to implement to cover the administrative gaps that will be left as Anne Leavitt and Greg Vincent move on to other opportunities. In the spirit of transparency with which this campus traditionally conducts business, I would suggest that you announce the interim arrangements on the HR Jobs page, as we have in so many similar instances in the past. For that purpose I would suggest the following notice language:

Notice of Interim Appointment

With the resignation of Vice Provost for Institutional Equity and Diversity Gregory Vincent, Senior Vice President and Provost John Moseley wishes to announce interim arrangements for continuing the work and progress of that important position. Charles Martinez, a research scientist with the Oregon Social Learning Center and a faculty member and Director of Diversity in the College of Education, has been asked to serve as Interim Vice Provost on a half-time basis. A competitive national search will be initiated shortly to fill the position on a permanent basis. The interim appointment is anticipated to be effective on or about July 1, 2005 and continue through June 30, 2006 or whenever a new Vice Provost has been hired. Any current UO employee who wishes to comment on this proposed appointment should submit comments to Sr. Vice President Moseley at [jtm@uoregon.edu](mailto:jtm@uoregon.edu). Comments must be received by 5:00 p.m. on June 30, 2005.

Notice of Interim Appointment

6/22/2005

Senior Vice President and Provost John Moseley wishes to announce interim arrangements for the administration of student affairs following the resignation of Vice President for Student Affairs and Dean of Students Anne Leavitt effective June 30, 2005. Assistant Vice President for Student Affairs and Director of Housing Michael Eyster has been asked to assume the responsibilities of Vice President of Student Affairs on an interim basis. Robin Holmes, Director of the Counseling and Testing Center, has been asked to assume the responsibilities of Dean of Students on an interim basis. Both will continue to direct their respective units in addition to serving in these interim positions. A competitive national search will be initiated over the summer with the hope of hiring a new vice president by the end of the 2005-06 academic year. The interim appointments are anticipated to be effective on or about July 1, 2005 and to extend through June 30, 2006 or whenever a new vice president has been hired. Any current UO employee who wishes to comment on these proposed interim appointments should submit comments to Sr. Vice President Moseley at [jtm@uoregon.edu](mailto:jtm@uoregon.edu). Comments must be received by 5:00 p.m. on June 30, 2005.

Let me know if you disagree with this approach, or if you have any suggested changes to the notice language. You will notice that I am cutting the time for comment a little shorter than the usual 10 working days. I am comfortable doing that since the positions will be filled on a long-term basis through regular competitive searches. I also have stated the duration of the interim appointments in a way that allows us flexibility if the intended searches take a shorter or longer time than anticipated.

I will arrange to get the notices posted, with any suggestions you may have, as soon as I hear back from you with your OK.

Penny

Penelope Daugherty, Director  
Affirmative Action & Equal Opportunity  
University of Oregon

6/22/2005



UNIVERSITY OF OREGON

## **Notice of Interim Appointment Office of Senior Vice President and Provost**

**Posting:** 51241

**Closes:** June 30, 2005

### **Note: This position is open for Comment Only!**

#### **Notice of Interim Appointment**

Senior Vice President and Provost John Moseley wishes to announce interim arrangements for the administration of student affairs following the resignation of Vice President for Student Affairs and Dean of Students Anne Leavitt effective June 30, 2005. Assistant Vice President for Student Affairs and Director of Housing Michael Eyster has been asked to assume the responsibilities of Vice President of Student Affairs on an interim basis. Robin Holmes, Director of the Counseling and Testing Center, has been asked to assume the responsibilities of Dean of Students on an interim basis. Both will continue to direct their respective units in addition to serving in these interim positions. A competitive national search will be initiated over the summer with the hope of hiring a new vice president by the end of the 2005-06 academic year. The interim appointments are anticipated to be effective on or about July 1, 2005 and to extend through June 30, 2006 or whenever a new vice president has been hired. Any current UO employee who wishes to comment on these proposed interim appointments should submit comments to Sr. Vice President Moseley at [jtm@uoregon.edu](mailto:jtm@uoregon.edu). Comments must be received by 5:00 p.m. on June 30, 2005.

**Kathy Cannon**

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**From:** Penny Daugherty [pdaugherty@aaeo.uoregon.edu]  
**Sent:** Wednesday, June 22, 2005 11:45 AM  
**To:** 'Kathy Cannon'  
**Cc:** 'John Moseley'; 'Beth Sprague'  
**Subject:** FW: Administrative Changes

Kathy:

Please post the two notices contained in my email to Sr. Vice President Moseley on the HR Jobs page. Thanks.

Penny

-----Original Message-----

**From:** John Moseley [mailto:jtm@uoregon.edu]  
**Sent:** Wednesday, June 22, 2005 10:43 AM  
**To:** Penelope Daugherty  
**Cc:** Beth Sprague  
**Subject:** RE: Administrative Changes

Thank you, Penny. Beth, would you please see that these are listed on the HR Jobs page. Thanks. John

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**From:** Penny Daugherty [mailto:pdaugherty@aaeo.uoregon.edu]  
**Sent:** Tuesday, June 21, 2005 5:52 PM  
**To:** John Moseley  
**Cc:** Beth Sprague  
**Subject:** Administrative Changes

John:

Beth has notified me of the interim arrangements you intend to implement to cover the administrative gaps that will be left as Anne Leavitt and Greg Vincent move on to other opportunities. In the spirit of transparency with which this campus traditionally conducts business, I would suggest that you announce the interim arrangements on the HR Jobs page, as we have in so many similar instances in the past. For that purpose I would suggest the following notice language:

**Notice of Interim Appointment**

With the resignation of Vice Provost for Institutional Equity and Diversity Gregory Vincent, Senior Vice President and Provost John Moseley wishes to announce interim arrangements for continuing the work and progress of that important position. Charles Martinez, a research scientist with the Oregon Social Learning Center and a faculty member and Director of Diversity in the College of Education, has been asked to serve as Interim Vice Provost on a half-time basis. A competitive national search will be initiated shortly to fill the position on a permanent basis. The interim appointment is anticipated to be effective on or about July 1, 2005 and continue through June 30, 2006 or whenever a new Vice Provost has been hired. Any current UO employees who wishes to comment on this proposed appointment should submit comments to Sr. Vice President Moseley at [jtm@uoregon.edu](mailto:jtm@uoregon.edu). Comments must be received by 5:00 p.m. on June 30, 2005.

Notice of Interim Appointment

6/22/2005

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Let me know if you disagree with this approach, or if you have any suggested changes to the notice language. You will notice that I am cutting the time for comment a little shorter than the usual 10 working days. I am comfortable doing that since the positions will be filled on a long-term basis through regular competitive searches. I also have stated the duration of the interim appointments in a way that allows us flexibility if the intended searches take a shorter or longer time than anticipated.

I will arrange to get the notices posted, with any suggestions you may have, as soon as I hear back from you with your OK.

Penny

Penelope Daugherty, Director  
Affirmative Action & Equal Opportunity  
University of Oregon

6/22/2005



UNIVERSITY OF OREGON

## **Notice of Interim Appointment Office of Senior Vice President and Provost**

**Posting:** 51231**Closes:** June 30, 2005

### **Note: This position is open for Comment Only!**

#### **Notice of Interim Appointment**

With the resignation of Vice Provost for Institutional Equity and Diversity Gregory Vincent, Senior Vice President and Provost John Moseley wishes to announce interim arrangements for continuing the work and progress of that important position. Charles Martinez, a research scientist with the Oregon Social Learning Center and a faculty member and Director of Diversity in the College of Education, has been asked to serve as Interim Vice Provost on a half-time basis. A competitive national search will be initiated shortly to fill the position on a permanent basis. The interim appointment is anticipated to be effective on or about July 1, 2005 and continue through June 30, 2006 or whenever a new Vice Provost has been hired. Any current UO employee who wishes to comment on this proposed appointment should submit comments to Sr. Vice President Moseley at [jtm@uoregon.edu](mailto:jtm@uoregon.edu). Comments must be received by 5:00 p.m. on June 30, 2005.

Posting # 51231

**UNIVERSITY OF OREGON**  
**AFFIRMATIVE ACTION COMPLIANCE STATEMENT**

Title and rank of position being filled Interim Vice Provost, Inst. Eq & Diver Annual Salary 130,000  
 Period of appointment July 1, 2005 - June 30, 2006 Appt. % (Actual FTE) .50  
 Name of selected candidate Charles Martinez  
 Chairperson of selection committee John Moseley Committee members: \_\_\_\_\_

**A. CANDIDATE INFORMATION:** (check box when complete ☒)Gender: Male ☒ Female ☐U.S. Citizen? yes ☒ no ☐If no, permanent resident status? yes ☐ no ☐Ethnic Group/Race of selected candidate: Hispanic/Male

New appointment ☒  
 Extension/no changes ☐  
 Change in appointment (explain) ☐

**B. APPLICANT FLOW DATA** (please record the following data for all applicants for the position):

TOTAL NUMBER OF APPLICANTS 1  
 NUMBER OF APPLICANT DATA CARDS RECEIVED 0  
 NUMBER OF APPLICANTS NOT RETURNING CARDS 0

| Identify Protected Class(es) Which Apply to Candidates Receiving Offers |                | (AAEO Use Only)   |   |  |
|---|----------------|---|---|--|
| Accepted Offer  | Declined Offer | Protected Class   | Number of Applicants in Each Protected Class, as Determined from Applicant Data-Request Cards | Percent Of Total Applicant Data-Request Cards Received |
|   |                | Black   |   | 5.72   |
| 1   |                | Hispanic/Latino   |   | 3.04   |
|   |                | Asian   |   | 2.41   |
|   |                | Native Hawaiian/<br>Pacific Islander  |   |  |
|   |                | American Indian/<br>Alaska Native   |   | 0.61   |
|   |                | Multi-racial (provide<br>specific information,<br>e.g., Black/American<br>Indian) |   |  |
|   |                | Female  |   | 31.63  |



(Check box when complete ☐; use extra sheets as needed)

**C. RECRUITMENT**

- ☒ 1. List recruiting sources and explain how recruiting was conducted:

This was an internal appointment for an interim position

- ☒ 2. How did selected candidate learn about position? The candidate was invited to serve in this position.

**D. SELECTION**

- ☒ 1. Were there two or more qualified candidates? yes ☐ no ☒ If no, indicate why:

☒ 2. Attach a list of all candidates interviewed (by phone and/or in person, including selected candidate) by name, sex, ethnic group, and race. Provide a brief statement of the relative merit of each candidate with job-related reasons for selection or non-selection.

☒ 3. For all remaining candidates attach a brief statement of job-related reasons why the candidate was not selected for interview (please include sex, ethnic group, and race). PLEASE NOTE: 1) if a selection matrix or criteria review sheet was used for evaluating and ranking candidates based on review of written application materials, a composite selection matrix/criteria review sheet showing committee's overall scoring or ranking of candidates can be provided in lieu of a narrative statement; 2) it is acceptable to identify job-related reasons for non-selection (e.g., does not meet minimum qualifications, area of expertise not consistent with stated needs, etc.), and identify all candidates eliminated on the basis of that reason rather than an individual statement for each candidate.

**E. IF NEW APPOINTMENT PLEASE ATTACH:**

- ☐ 1) copy of advertisements as published;  
☐ 2) selected candidate's Academic/Administrative Employment Application and supporting material;  
☐ 3) cumulative rating sheet or other documentation in support of the committee's decision;  
☐ 4) for OA positions please provide a list of all applicants' names and addresses.

DEPARTMENT Senior Vice President and Provost

SIGNED

(Department Head)

DATE

SCHOOL, COLLEGE OR ADMINISTRATIVE UNIT

SIGNED

(Dean/Director)

DATE

AFFIRMATIVE ACTION OFFICE:

Comments:

SIGNED

Penelope Dangler by 7/15/05  
(Director, Affirmative Action)

DATE

Affirmative Action Compliance Statement  
Posting No. 5123I  
Addendum

Dr. Martinez was the only person considered for this position. Per policy, the interim appointment was posted for comment on the UO HR website site and received no feedback.

Having previously held the position of Director of Diversity for the College of Education and as a Diversity Consultant and Trainer for local organizations including the Springfield School District and The Commission on Children and Families, Dr. Martinez is uniquely familiar with the demands of this interim position and the cultural climate of the University of Oregon and greater campus community.

Dr. Martinez has served on key committees including the Diversity Group and the President's Executive Diversity Committee; the continuation of their work is a key charge of this position. He has served on the Oregon Governor's Ethnic and Racial Task Force, and is a member of the Eugene 4J School Board. This local experience and level of involvement in key initiatives in the Eugene Springfield area give Dr. Martinez the background and experience to effectively serve in this position on an interim basis.

Based on the above factors, and review of his curriculum vitae Dr. Martinez was offered and accepted the position of interim Vice Provost for Institutional Equity and Diversity from July 1, 2005 through June 30, 2006.

Posting # 60081

**UNIVERSITY OF OREGON  
AFFIRMATIVE ACTION COMPLIANCE STATEMENT**

Title and rank of position being filled Vice Prov for Institutional Equity & Div Annual Salary \$135,000  
 Period of appointment 6/1/06-6/30/07 Appr. % (Actual FTE) 75  
 Name of selected candidate Charles Martinez  
 Chairperson of selection committee \_\_\_\_\_ Committee members: \_\_\_\_\_

**A. CANDIDATE INFORMATION:** (check box when complete ☐)Gender: Male ☒ Female ☐U.S. Citizen? yes ☐ no ☐If no, permanent resident status? yes ☐ no ☐Ethnic Group/Race of selected candidate: Hispanic

|                                 |                                     |
|---------------------------------|-------------------------------------|
| New appointment                 | <input checked="" type="checkbox"/> |
| Extension/no changes            | <input type="checkbox"/>            |
| Change in appointment (explain) | <input checked="" type="checkbox"/> |

**B. APPLICANT FLOW DATA** (please record the following data for all applicants for the position):TOTAL NUMBER OF APPLICANTS 1

NUMBER OF APPLICANT DATA CARDS RECEIVED \_\_\_\_\_

NUMBER OF APPLICANTS NOT RETURNING CARDS \_\_\_\_\_

| Identify Protected Class(es) Which Apply to Candidates Receiving Offers |                | Protected Class   | Number of Applicants in Each Protected Class, as Determined from Applicant Data Request Cards | (AAEO Use Only) |               |
|---|----------------|---|---|-----------------|---------------|
| Accepted Offer  | Declined Offer |   |   | AAEO Use Only   | AAEO Use Only |
|   |                | Black   |   |                 |               |
|   |                | Hispanic/Latino   |   |                 |               |
|   |                | Asian   |   |                 |               |
|   |                | Native Hawaiian/<br>Pacific Islander  |   |                 |               |
|   |                | American Indian/<br>Alaska Native   |   |                 |               |
|   |                | Multi-racial (provide<br>specific information,<br>e.g., Black/American<br>Indian) |   |                 |               |
|   |                | Female  |   |                 |               |

(Check box when complete ☐; use extra sheets as needed)

**C. RECRUITMENT**

☒ 1. List recruiting sources and explain how recruiting was conducted:

See attachment

☐ 2. How did selected candidate learn about position? \_\_\_\_\_

**D. SELECTION**

☐ 1. Were there two or more qualified candidates? yes ☐ no ☐ If no, indicate why: \_\_\_\_\_

☐ 2. Attach a list of all candidates interviewed (by phone and/or in person, including selected candidate) by name, sex, ethnic group, and race. Provide a brief statement of the relative merit of each candidate with job-related reasons for selection or non-selection.

☐ 3. For all remaining candidates attach a brief statement of job-related reasons why the candidate was not selected for interview (please include sex, ethnic group, and race). PLEASE NOTE: 1) if a selection matrix or criteria review sheet was used for evaluating and ranking candidates based on review of written application materials, a composite selection matrix/criteria review sheet showing committee's overall scoring or ranking of candidates can be provided in lieu of a narrative statement; 2) it is acceptable to identify job-related reasons for non-selection (e.g., does not meet minimum qualifications, area of expertise not consistent with stated needs, etc.), and identify all candidates eliminated on the basis of that reason rather than an individual statement for each candidate.

**E. IF NEW APPOINTMENT PLEASE ATTACH:**

☐ 1) copy of advertisements as published;

☐ 2) selected candidate's Academic/Administrative Employment Application and supporting material;

☐ 3) cumulative rating sheet or other documentation in support of the committee's decision;

☐ 4) for OA positions please provide a list of all applicants' names and addresses.

DEPARTMENT \_\_\_\_\_

SIGNED \_\_\_\_\_

(Department Head)

DATE \_\_\_\_\_

SCHOOL, COLLEGE OR ADMINISTRATIVE UNIT Sr. Vice President and Provost Office

SIGNED \_\_\_\_\_

(Dean/Director)

DATE 6/07/06

AFFIRMATIVE ACTION OFFICE:

Comments: \_\_\_\_\_

SIGNED Penelope Dangelbach 6/12/06 DATE \_\_\_\_\_

(Director, Affirmative Action)

### Justification Language for Vice Provost Appointments

#### Vice Provost for Institutional Equity & Diversity

This position was initially filled through a protracted, competitive, national search. The candidate selected through that process left in July 2005. Charles Martinez was asked at that time to serve in an interim capacity. He contributed substantially to ongoing revision of the campus diversity plan, which had been released in draft in April 2005. Through that work, he established effective working relationships with many individuals and groups on campus. He successfully facilitated dialogue and further revision of the diversity plan released in Spring 2006. It is unlikely that a more qualified candidate would emerge as a result of further competitive search. An outside candidate would require considerable time to develop the contacts necessary to guide the campus through the initial implementation of the newly approved diversity plan. Given the need for continuity at this critical time, Sr. Vice President and Provost John Moseley proposed to the campus that Dr. Martinez be appointed Vice Provost on a long term basis and provided an opportunity for comment by members of the UO and surrounding community. No input emerged in response to that announcement to change that decision.

## Vice Provost for Institutional Equity and Diversity

### Senior Vice President and Provost

Posting: 6068I

Closes: April 21, 2006

#### Note: Open for Comment only

Senior Vice President and Provost John Moseley intends to appoint Dr. Charles Martinez as vice provost for institutional equity and diversity (OIED).

Dr. Martinez has acted as interim vice provost for OIED since July 2005 and has been essential in working to continue the university's Diversity Plan draft process. He also has been a strong advocate and advisor for the many facets of equity and diversity work taking place across the campus. In addition to building and structuring the OIED in his role as interim vice provost, Dr. Martinez is serving as the interim director for the Office of Multicultural Academic Support (OMAS).

The campus community is invited to attend any of three meetings where Dr. Martinez will comment on diversity and campus climate issues and his vision for the university and its community. There will be an opportunity for questions and conversations during the sessions. Questions or feedback related to this intent to appoint should be submitted by 5:00 pm on Friday, April 28th, directed to Dr. Moseley via email at [provost@uoregon.edu](mailto:provost@uoregon.edu) or by mail to:

Provost  
1258 E. 13th  
Eugene, OR 97403

The meetings are scheduled as follows:

Monday, April 24, 2006

12 – 1:00 p.m. (Intended for university faculty and staff)  
Browsing Room  
Knight Library

4 – 5:00 p.m. (Intended for university students)  
Lewis Lounge  
Knight Law School

5:30 – 6:30 p.m. (Intended for the greater University of Oregon community)  
Lewis Lounge  
Knight Law School